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September 26, 2007

**Via ECF**

Hon. E. Thomas Boyle  
Magistrate  
United States District Court  
Eastern District of New York  
Long Island Federal Courthouse  
100 Federal Courthouse  
Central Islip, New York 11722-4444

**Re: Jose Adolfo Carbajal v. County of Nassau, et al.**  
**U.S. District Court Index No.: CV-02-4270**  
**Our File No.: 5683-0012**

Dear Honorable Sir:

As you may recall, this office represents the interests of the remaining Defendants in the above-referenced matter. I am in receipt of correspondence from Plaintiff's counsel, dated September 5, 2007, with regard to the above-referenced matter. In counsel's correspondence he has rejected our Rule 68 Offer of Judgment relating to this matter. Also, in his correspondence he has indicated his willingness to entertain a settlement conference and/or mediation. In this regard, we are requesting that the Court convert the telephone conference of October 3, 2007 to an actual settlement conference with the parties present to conduct meaningful settlement negotiations.

I have contacted Plaintiff's office who consents to this conference. However, the Plaintiff has informed me that he will be engaged in trial before Justice Block in Brooklyn during the first week of October. Therefore, the parties have agreed to request Your Honor to schedule the in person settlement conference for Thursday, October 4, 2007, at 2:00 p.m. regarding this matter. Please note that the appeal with the Second Circuit is still pending, and we are awaiting a date for oral arguments regarding same. We request that you advise if this date is acceptable to the Court. We will make ourselves available for a more convenient date, should same be necessary.

Hon. E. Thomas Boyle  
September 26, 2007  
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Your courteous consideration is appreciated in this regard. If you should have any questions or require any additional information, please feel free to contact our office.

Very truly yours,

BEE READY FISHBEIN HATTER & DONOVAN, LLP

*/s/ Joshua M. Jemal*

By: Joshua M. Jemal (JMJ 0402)

JMJ/kmd

cc: **Via Fax and Regular Mail**  
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